

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

NO. 3:21-CR-572-B

GARY ALLEN ZERGOSKI (2)

FACTUAL RESUME

In support of Gary Allen Zergoski's plea of guilty to the offense in Count Two of the indictment, Gary Allen Zergoski, the defendant, Erin Brennan, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count Two of the indictment, charging a violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C), that is, possession with the intent to distribute and the distribution of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, the government must prove each of the following elements beyond a reasonable doubt:¹

- First:* That the defendant knowingly possessed a controlled substance
- Second:* That the substance was, in fact, methamphetamine;
- Third:* That the defendant possessed the substance with intent to distribute it; and,

¹ Fifth Circuit Pattern Jury Instruction 2.97. (5th Cir. 2019).

Fourth: That the substance involved a mixture or substance containing a detectable amount of methamphetamine.

STIPULATED FACTS

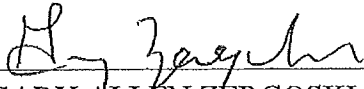
1. Gary Allen Zergoski admits and agrees that on or about September 30, 2021, in the Dallas Division of the Northern District of Texas and elsewhere, Gary Allen Zergoski knowingly and intentionally possessed with the intent to distribute and distributed a substance and mixture containing a detectable amount of methamphetamine, a Schedule II controlled substance.


2. Zergoski admits that on or about September 30, 2021, a Dallas Drug Enforcement Administration cooperating individual (CI) called Zergoski and asked about buying an ounce of meth. Zergoski agreed to sell an ounce of methamphetamine to the CI for \$300. Zergoski sent a text to the CI saying that he was going to collect the methamphetamine from his supplier. DEA agents on surveillance observed Zergoski drive to a bank, where he made an ATM transaction, and then drive to an apartment complex on Beck Avenue in Dallas, Texas.

3. Agents saw Zergoski enter an apartment and leave. Zergoski drove to the home Depot in The Colony to meet the CI. The CI entered Zergoski's vehicle and purchased the ounce of methamphetamine for \$300.

4. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Count Two of the indictment.

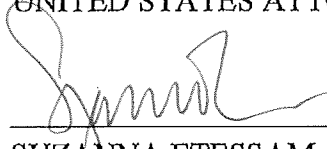
AGREED TO AND STIPULATED on this 23 day of DECEMBER, 2021.


GARY ALLEN ZERGOSKI
Defendant

Erin
Brennan

ERIN BRENNAN
Attorney for Defendant

Digitally signed by Erin Brennan
Date: 2022.04.22 15:36:58 -05'00'

CHAD E. MEACHAM
UNITED STATES ATTORNEY


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